

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
ZONOLITE, DIV. OF W. R. GRACE & CO.,

Appellant,

vs.

PUGET SOUND AIR POLLUTION
CONTROL AGENCY,

Respondent.

PCHB No. 317

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

A formal hearing on the appeal of Zonolite Division of W. R. Grace & Co. to a Notice of Civil Penalty of \$50.00 for an alleged smoke emission violation came on before the Board, all members present, with Walt Woodward presiding, on May 22, 1973, in Seattle, Washington.

Appellant appeared by and through Donald L. Schmid, its plant superintendent; respondent appeared by and through its attorney Keith D. McGoffin.

Having heard the testimony, and considered the exhibits, and being fully advised, the Board makes the following:

1 FINDINGS OF FACT

2 I.

3 The Zonolite Division of W. R. Grace & Co. (appellants herein)
4 conducts its business from its plant located in Auburn, Washington.
5 It operates with a gas fired furnace and a stand by oil system. On
6 February 2, 1973, appellant was operating its plant by use of its
7 fuel oil system.

8 II.

9 On February 2, 1973, appellant caused or allowed smoke to be
10 emitted from a stack on its plant for 15 1/2 consecutive minutes of a
11 shade darker than number 2 on the Ringelmann Chart, namely a
12 Ringelmann varying between number 3 and 5.

13 III.

14 Section 9.03(a) of Respondent's Regulation 1 makes it unlawful
15 to cause or allow the emission of an air contaminant darker in shade
16 than number 2 on the Ringelmann Chart for more than three minutes in
17 any hour.

18 IV.

19 Although the cause of the smoke was from a malfunction of its
20 equipment, appellant did not notify Respondent of its breakdown.

21 From which, comes these

22 CONCLUSIONS OF LAW

23 I.

24 Appellant was in violation of Section 9.03(a) of Respondent's
25 Regulation 1.

26
27 FINDINGS OF FACT,
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AND ORDER

II.

The amount of the civil penalty, being one-fifth of the maximum allowed, is reasonable.

From which follows the Board's

ORDER

The appeal is denied and the civil penalty is affirmed.

DATED this 5th day of June, 1973.

POLLUTION CONTROL HEARINGS BOARD

Walt Woodward
WALT WOODWARD, Chairman

W. A. Gissberg
W. A. GISSBERG, Member

James T. Sheehy
JAMES T. SHEEHY, Member

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